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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/316, 938 05/21/99 THORSEN

M 1685

EXAMINER

TM02/1227

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ART UNIT

PAPER NUMBER

2166

**DATE MAILED:**

12/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/316,938	THORSEN ET AL.
	Examiner Sam Rimell	Art Unit 2166

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)                  18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  19) Notice of Informal Patent Application (PTO-152)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                  20) Other: \_\_\_\_\_.

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This application has been filed with informal drawings that are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 uses the phrases “fourth means and fifth means” which was previously used in claim 7. Since the “fourth means” and “fifth means” of claim 8 are intended to be different than the “fourth means” and “fifth means” of claim 7, applicant should use different terminology in claim 8 to prevent confusion.

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Freeman Jr. et al. ('035), hereafter referred to as (“Freeman”).

Claims 1-2: Freeman discloses a payment process for paying health care provider claims for services delivered (110 in FIG. 3). The payment derives from an aggregate fund (a bank). A primary funding process exists where an insurance company (which may also be a self insuring employer, col. 2, line 16 of Freeman) transfers funds to the aggregate fund/bank in exchange for its complete payment of services to the provider (114 in FIG. 3). A secondary funding process exists where the patient receiving the services makes payment to the aggregate fund/bank (114 in

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FIG. 3). A tertiary funding process exists where the patient receives credit from the aggregate fund/bank in order to assist the patient in paying the patient's share of the medical expenses (100 in FIG. 3).

Claims 3-5: In Freeman, a health insurance provider provides a cost report to a management service, which passes the report on to a first entity in the form of a bank (106-110 in FIG. 3). The first entity (bank) then sends statements to the self-insured employer and to the patient (step 114 in FIG. 3). The first entity (bank) then collects payment from the self-insured employer and patient while simultaneously providing immediate payment to the health insurance provider. Payment is made to the health insurance provider by the first entity (bank), regardless of whether or not the self-insured employer or patients have provided payment. The first entity provides credit to the patient (100 in FIG. 3) and calculates the credit risk of the patient (col. 6, lines 45-49). The calculation results in a transactional fee (col. 2, line 39) to cover the risk of default by the patient.

Claims 6-8: Freeman discloses a computer processor and storage device (310 in FIG. 2). First means (320 in FIG. 2) processes health care data by a health care provider. Second means (325 in FIG. 2) processes data regarding self-insured employers and employees. Third means (315 or 330 in FIG. 2) processes data regarding all services rendered during a year. A fourth means (connection 327 in FIG.2) permits the transmission of a report to the self-insured employer of the amount owed for services rendered to the patient. A fifth means is provided by the bank, which uses the fifth means to generate a statement on what the employee and self-insured employer owe to the bank. With respect to claim 8, an additional "fourth means" is provided, in the form of an electronic transfer system for assuring payment of the health care

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provider. An additional "fifth means" is provided by the bank which processes data regarding the amount owed by the bank.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2166